

**REMARKS**

Claims 1-27 are pending in the application and claims 1-27 stand rejected.

**Claim Rejections under 35 USC §102**

Claims 1, 3, 4, 7, 9, 10, 13, 15, 16, 19, 21, 22, 24, 25 and 27 stand rejected under 35 U.S.C. 102(e) as being anticipated by Fukushima et al.

The present invention is a image pickup apparatus in which movie images including sound are stored in a storage medium (10) until a predetermined amount of data is reached and then transferring the image data into non-volatile recording medium (11). While the transfer is taking place image data continues to be recorded in the storage medium.

Fukushima et al. describes an image pickup device in which information is temporarily stored and moved after a predetermined amount of information data is stored. The variable RECCNT is used to count the number of images corresponding to image data stored in memory part 6. Further as indicated in column 10, lines 37-43 "it is also possible to perform a stable, continuous-shooting recording operation without causing the buffer memories M0 to M7 of the memory part 6 to overflow and interrupting the continuous-shooting recording operation during the continuous-shooting recording mode."

By performing the step of storing and the step of recording continuously and in parallel, the present invention can shorten the period of time from completion of the image pickup operation to the time of play back, and to the time when the recording medium becomes ready for removal. To

the contrary in Fukushima, all the images pickup has been completed with a lot of images remaining in the buffer memory, said time would be longer. Therefore, the amended independent claims patentably distinguish over the prior art of record.

Therefore, withdrawal of the rejection of claims 1, 3, 4, 7, 9, 10, 13, 15, 16, 19, 21, 22, 24, 25 and 27 under 35 U.S.C. 102(e) as being anticipated by Fukushima et al. is respectfully requested.

**Claim Rejections under 35 USC §103**

Claims 2, 5, 6, 8, 11, 12, 14, 17, 18, 20, 23 and 26 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Fukushima et al. in view of Anderson et al.

Anderson et al. describes an image data identifier variable, an image data current location data field and a plurality of data cell “pointers” used to locate data cells. Contrary to the Examiner’s assertions, Anderson et al. does not disclose the data length of images being stored. However, this data length may be easily computed from the pointers.

Claims 2, 5, 6, 8, 11, 12, 14, 17, 18, 20, 23 and 26 are allowable by virtue of their dependence from allowable independent claims. Therefore, withdrawal of the rejection of Claims 2, 5, 6, 8, 11, 12, 14, 17, 18, 20, 23 and 26 under 35 U.S.C. 103(a) as being unpatentable over Fukushima et al. in view of Anderson et al. is respectfully requested.

**Conclusion**

In view of the aforementioned amendments and accompanying remarks, claims 1-27, as amended, are believed to be patentable and in condition for allowance, which action, at an early date, is respectfully requested.

If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact the applicant's undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed, the applicant respectfully petitions for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

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